

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Koch, Kevin

Serial No. 10/710,796

Filed: August 3, 2004

For: COMPUTER PROGRAM PRODUCT
CONTAINING ELECTRONIC
TRANSCRIPT AND EXHIBIT FILES AND
METHOD FOR MAKING SAME

Examiner: Debrow, James

Art Unit: 2176

REPLY BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a Reply Brief to the Answer dated April 16, 2009, the period for response to which extends until June 16, 2009.

INTRODUCTION

The Answer suggests that the applicant has not pointed out the deficiency in Przekop.¹ However, the Examiner's argument is based on the premise that the

¹ While the Answer suggests the applicant nowhere points out the deficiency of Przekop in the first paragraph of section (10)(B), the Answer goes on in the second paragraph to discuss the deficiency identified by the applicant. The Answer's suggestion that the applicant has not outlined a deficiency is misleading and incorrect. Simply put, the Examiner does not agree with the applicant's position, hence the appeal.

terms “electronic transcript files” and “electronic exhibit files” are synonyms. By concluding that the electronic transcript files and the electronic exhibits files contain the same information (textual information and the corresponding audio/video file), the Answer states that synchronizing the audio/video file with the textual representation of the audio/video file is shown by Przekop. However, the collapsing an electronic transcript file (whether textual or audio/video) and the electronic exhibit file into a generic file that may contain the same information (although the information is in a different medium (audio/video vs. textual), the answer is not properly interpreting the claim and argument is inaccurate. The claims clearly identifies the two different types of electronic files.² It is implicit that these separately identified electronic files contain at least partially different information. To construe otherwise would lack any basis in logic or fact. Accordingly, this Reply is respectfully submitted to clarify certain points for the Board.

ARGUMENT

As clearly defined in the specification:

During a court proceeding such as a deposition, hearing, trial or other proceeding, court reporters transcribe the words spoken into court transcripts. Oftentimes, during court proceedings, various exhibits, such as documents, pictures, maps, charts, or the like, are used or referred to.

(Page 1, lines 10-14.)

Accordingly, a transcript and an exhibit are, by definition, documents containing different information. The audio/video file of Przekop is simply a different medium in which the electronic transcript file is stored (i.e., an audio/video file instead of a textual file). Thus, as is implicit in the statement, there is no coordination between the information stored in the electronic transcript file and

² The applicant would be willing to amend the application claims to specifically recite the feature the Answer appears to indicate is missing, although the applicant submits such an amendment is not necessary and redundant to the actual language of the claim.

the electronic exhibit file other than, perhaps the title. The actual data contained in the electronic exhibit file is not contained in the electronic transcript file (regardless of whether the electronic transcript file is a textual file or an audio video file). Conversely, the electronic audio/video file of the transcription and the textual electronic file of the transcription are specifically coordinated by the spoken word matching the textual word. The two files may be considered linked in a sense that they are coordinated, and a reference to a time stamp in the textual file may be used to identify that portion of the audio/video file that corresponds to the textual file, in the normal course the textual electronic file of the transcription and the audio/video file of the transcription are typically referred to as synchronized such that the audio/video file plays in synchronization with the textual file. In fact, Przekop specifically calls out that the audio/video file and the textual file are synchronized. To the extent links are provided, the links are simply to facilitate the synchronization of the two files. Conversely, the present claims relate to linking between two separate types of information, "an electronic transcript file" and "an electronic exhibit file". There is no specific correlation between the information contained in the electronic transcript file and the electronic exhibit file, again with perhaps the exception of the title.

Moreover, unlike Przekop, which synchronizes the two files such that the audio/video electronic file and the textual electronic file play in synch. The present claims provides a means to view the electronic exhibit file while the electronic transcription file scrolls, is paused, or the like.

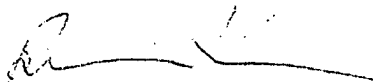
The Answer takes the position that the audio/video of the deposition will potentially show the exhibit that is presented. While it is possible the audio/video file may show the exhibit, the audio/video file does not provide a means on the computer readable medium to view the one or more electronic exhibit files. It is speculation regarding whether the exhibit would be legible on the audio/video.

CONCLUSION AND REQUEST

Based on the above and the previously filed papers, claims 1-6, 9-14, 17-20 and 34-37 are patentably distinct from the cited reference. Accordingly, reversal of the Examiner's final rejection of claims 1-19 and 21-25, under 35 U.S.C. § 102(b) as being anticipated by the Przecop, et al. reference, is respectfully requested for the above-stated reasons.

Signed this 14th day of May 2009.

Respectfully submitted,



Brian Kinnear, P.C.
Registration No. 43,717
ATTORNEY FOR APPLICANT
HOLLAND & HART LLP
Post Office Box 8749
555 17th Street, Suite 3200
Denver, Colorado 80201
(303) 295-8000

4516184_1.DOC